THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION No: 2796 of 2000

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Dated 23-08-2005

Between:

Mohd Omer Qureshi @ Abdul Hakeem.

..... PETITIONER

AND

The Mandal Revenue Officer and another.

.....RESPONDENTS

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ORDER:

This writ petition is filed seeking Writ of Mandamus to declare the action of the 1st respondent-Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District, in not issuing the community certificate to the petitioner, as arbitrary and illegal.

In the affidavit filed in support of the petition, it is the case of the petitioner that he

belongs to Butcher community and the same is classified as backward community. On 12-02-2000, the Election Authority had issued the notification for conducting Municipal Elections at Kukatpally Municipality, wherein, for election of Member for ward No.14 was reserved for backward class. Therefore, the petitioner approached before the first respondent on 14-02-2000, for issuance of community certificate, but the same has not been issued so far. Hence, the petitioner has come up with the present writ petition.

In the counter filed on behalf of the respondents it is stated that the petitioner has not produced any material to prove that he belongs to the community, for which he is claiming.

In view of the stand taken by the respondents that there is no material placed before them to prove that the petitioner belongs to the Butcher community, which is notified as backward community, no relief can be granted to the petitioner by declaring the action of the 1st respondent as illegal.

However, it is for the respondents' authorities to consider the case of the petitioner as per the provisions the A.P. (SC, ST and BCs) Regulation of issue of Community Certificates Act, 1993 (16 of Act 1993) and rules made thereunder.

In view of the stand of the respondents in the counter affidavit, no positive direction can be given. However, it is open for the petitioner to file a fresh application before the 1st respondent for issuance of caste certificate in accordance with the provisions of Act 16 of 1993.

Accordingly, the writ petition is disposed of. No order as to costs.

23-08-2005

Prv/Msnr